

FILE COPY

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF:

JEAN I. LUCAS,
D/B/A NAIL CARE BY JEAN,

Applicant

ORDER ADOPTING STIPULATION
97 BAC 192

LS9711242RAL

On or about December 8, 1997, Jean I. Lucas, 6467 N Landers St., Milwaukee, WI 53223 filed an application for a manicuring establishment license. The information received in the application process reflects that at least from November 1996 until at least November 20, 1997, Ms. Lucas was operating Nail Care by Jean, an unlicensed manicuring establishment located at 4447 N Oakland Ave., Shorewood, WI 53211, in violation of section 454.08(2)(a) of the Wisconsin statutes and Wisconsin Administrative Code §§ BC 3.01(1) and 3.03(5). The Board and Applicant have entered into a Stipulation by which the Board agreed to issue and applicant agreed to accept, a barbering and cosmetology establishment license subject to specified conditions. Based upon the stipulation and information of record herein, it is ORDERED as follows.

ORDER

NOW, THEREFORE, IT IS ORDERED that Jean I. Lucas, d/b/a Nail Care by Jean, is granted a manicuring establishment license, subject to the following terms and conditions:

Jean I. Lucas shall pay to the Department of Regulation and Licensing a forfeiture of five hundred dollars (\$500.00). Payments of the forfeiture shall be as follows:

\$125.00 enclosed with the attached stipulation;
\$125.00 due on or before February 15, 1998;
\$125.00 due on or before April 15, 1998, and
\$125.00 due on or before June 15, 1998.

Upon receipt of the first payment of \$125.00, the Board shall issue applicant's establishment license.

All Payments shall be made by certified check or money order, payable to the Wisconsin Department of Regulation and Licensing and sent to:

Department Monitor
Division of Enforcement
PO Box 8935
Madison, WI 53708

STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

By:

On behalf of the Board

Date

12.15.97

STATE OF WISCONSIN
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

IN THE MATTER OF THE LICENSE OF

JEAN I LUCAS,
D/B/A NAIL CARE BY JEAN,

Applicant

STIPULATION
97 BAC 192

It is hereby stipulated between the above-referenced applicant and the State of Wisconsin Barbering and Cosmetology Examining Board as follows:

On or about December 8, 1997, the applicant filed an application for a manicuring establishment license. The information received in the application process reflects a basis for disciplinary action by the Board. Based upon the information of record herein, the board agrees to issue and the applicant agrees to accept, an Order issuing a manicuring establishment license subject to the terms and conditions set forth in the attached Order Adopting Stipulation.

Dated this 12 day of December, 1997.


Jean I. Lucas
d/b/a Nail Care by Jean
Applicant

Dated this 15th day of December, 1997.

STATE OF WISCONSIN
BARBERING AND COSMETOLOGY EXAMINING BOARD

By:


On behalf of the Board

1940

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE BARBERING AND COSMETOLOGY EXAMINING BOARD

In the Matter of the License of

Jean I. Lucas,
d/b/a Nail Care by Jean,

AFFIDAVIT OF MAILING

Applicant.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On December 16, 1997, I served the Order Adopting Stipulation dated December 15, 1997, LS9711242RAL, upon the Applicant Jean I. Lucas, d/b/a Nail Care by Jean, by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 221 157 669.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

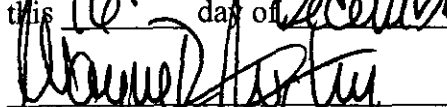
Jean I. Lucas,
d/b/a Nail Care by Jean
6467 N. Landers Street
Milwaukee WI 53223



Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

Subscribed and sworn to before me

this 16th day of December, 1997.


Notary Public, State of Wisconsin
My commission is permanent.

NOTICE OF RIGHTS OF APPEAL

TO: JEAN I LUCAS, d/b/a NAIL CARE BY JEAN

You have been issued a Final Decision and Order. For purposes of service the date of mailing of this Final Decision and Order is 12/16/97. Your rights to request a rehearing and/or judicial review are summarized below and set forth fully in the statutes reprinted on the reverse side.

A. REHEARING.

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in section 227.49 of the Wisconsin Statutes. The 20 day period commences on the day of personal service or the date of mailing of this decision. The date of mailing of this Final Decision is shown above.

A petition for rehearing should name as respondent and be filed with the party identified below.

A petition for rehearing shall specify in detail the grounds for relief sought and supporting authorities. Rehearing will be granted only on the basis of some material error of law, material error of fact, or new evidence sufficiently strong to reverse or modify the Order which could not have been previously discovered by due diligence. The agency may order a rehearing or enter an order disposing of the petition without a hearing. If the agency does not enter an order disposing of the petition within 30 days of the filing of the petition, the petition shall be deemed to have been denied at the end of the 30 day period.

A petition for rehearing is not a prerequisite for judicial review.

B. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in section 227.53, Wisconsin Statutes (copy on reverse side). The petition for judicial review must be filed in circuit court where the petitioner resides, except if the petitioner is a non-resident of the state, the proceedings shall be in the circuit court for Dane County. The petition should name as the respondent the Department, Board, Examining Board, or Affiliated Credentialing Board which issued the Final Decision and Order. A copy of the petition for judicial review must also be served upon the respondent at the address listed below.

A petition for judicial review must be served personally or by certified mail on the respondent and filed with the court within 30 days after service of the Final Decision and Order if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing. Courts have held that the right to judicial review of administrative agency decisions is dependent upon strict compliance with the requirements of sec. 227.53 (1) (a), Stats. This statute requires, among other things, that a petition for review be served upon the agency and be filed with the clerk of the circuit court within the applicable thirty day period.

The 30 day period for serving and filing a petition for judicial review commences on the day after personal service or mailing of the Final Decision and Order by the agency, or, if a petition for rehearing has been timely filed, the day after personal service or mailing of a final decision or disposition by the agency of the petition for rehearing, or the day after the final disposition by operation of the law of a petition for rehearing. The date of mailing of this Final Decision and Order is shown above.

The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is a person aggrieved by the decision, and the grounds specified in section 227.57, Wisconsin Statutes, upon which the petitioner contends that the decision should be reversed or modified. The petition shall be entitled in the name of the person serving it as Petitioner and the Respondent as described below.

SERVE PETITION FOR REHEARING OR JUDICIAL REVIEW ON:

STATE OF WISCONSIN BARBERING AND COSMETOLOGY EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison WI 53708-8935